

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**TIMOTHY S. DURHAM
JAMES F. COCHRAN, and
RICK D. SNOW**

Defendants.

Civ. No. 1:11-CV-0370-JMS-TAB

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
MOTION FOR SUMMARY JUDGMENT
AGAINST DEFENDANTS TIMOTHY S. DURHAM AND JAMES R. COCHRAN**

Plaintiff Securities and Exchange Commission (the "Commission"), by and through its undersigned counsel, hereby respectfully moves the Court for summary judgment against Defendants Timothy S. Durham and James R. Cochran on the basis of collateral estoppel pursuant to Federal Rule of Civil Procedure 56, the Court's procedures, and the Court's Order of October 14, 2016 [Filing No. 53] and subsequent Order of December 21, 2016 granting an extension of time which to file [Filing No. 65]. The Commission asks that the Court grant the relief set forth in the accompanying proposed form of order, which is incorporated into this motion as if set forth herein.

The Commission is also filing a Memorandum of Law in support of this motion, as well as a Statement of Undisputed Facts, with accompanying exhibits, which are both also incorporated into this motion as if fully set forth herein.

Dated: January 26, 2017

Respectfully Submitted,

BY: s/ Jennifer Chun Barry

David L. Axelrod

Jennifer Chun Barry

Attorneys for Plaintiff:

Securities and Exchange Commission

Philadelphia Regional Office

1617 JFK Boulevard, Suite 520

Philadelphia, PA 19103

Telephone: (215) 597-3100

Facsimile: (215) 597-2740